

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VALVETECH, INC.,

Plaintiff,

vs.

AEROJECT ROCKETDYNE, INC.,

Defendant.

AMENDED
SCHEDULING ORDER
17-CV-6788 FPG-MJP

Counsel having filed a joint request, ECF No. 148, requesting an extension of time of certain deadlines contained in the previously issued scheduling order, it is hereby:

1. All mediation deadlines have passed
2. The deadline for motions to join other parties and to amend the pleadings has passed.
3. All factual discovery in this case, including depositions, shall be completed on or before **February 12, 2021**. All motions to compel discovery shall be filed at least thirty (30) days prior to the factual discovery cutoff.
4. For the party who has the initial burden of proof on the subject matter, the initial Federal Rule 26(a)(2) disclosure of expert testimony is due on or before **March 16, 2021**. The supplemental disclosure to contradict or rebut evidence on the same matter identified by another party is due on or before **April 15, 2021**. No other expert reports will be permitted without either the consent of all parties or leave of the Court. Along with the submissions of the expert reports, the parties shall advise

of the dates and times of their experts' availability for deposition, which must be completed by **May 14, 2021**.

5. A stipulated Protective Order governing this action was entered by the Court on December 13, 2017 [Dkt. No. 19-1].

6. Dispositive motions, if any, shall be filed no later than **June 14, 2021**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Geraci.

7. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (a) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- (b) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion

practice is necessary before the matter is ready to be tried.

- (c) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (d) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

Requests to extend the above cut-off dates may be granted upon written application, made prior to the cutoff date and showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

The Court requires that should any discovery dispute arise between the parties that a letter be sent to the Court detailing the dispute prior to any motion practice.

IT IS SO ORDERED

DATED: December 18, 2020
Rochester, New York

/s/ Mark W. Pedersen
MARK W. PEDERSEN
United States Magistrate Judge